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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DALE WESLEY HUBBARD, and  
DARLENE CRYSTAL VIERA,  
  
Defendants.

CASE NO. 1:22-CR-00306-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: August 16, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 16, 2023.
2. The Court issued a minute order directing the parties to file a stipulation or status memo by August 16, 2023. The assigned AUSA left the U.S. Attorney's Office, and the parties have picked up with plea negotiations and discussions requiring additional discovery review and potential investigation in order to solidify either setting the case for trial or for a change of plea. The defendants believe additional time is necessary to reasonably address outstanding issues.
3. By this stipulation, defendants now move to continue the status conference until October 18, 2023, and to exclude time between August 16, 2023, and October 18, 2023, pursuant to 18 U.S.C. §

3161(h)(7)(A), B(iv).

4. The parties agree and stipulate, and request that the Court find the following:

- a) The government asserts the discovery associated with this case includes reports, photographs, and recordings; initial discovery has been provided to defense counsel and the government anticipates significant additional discovery will be produced. The government is aware of its ongoing discovery obligations.
- b) Since the last continuance, the government provided plea offers to defendants.
- c) Counsel for defendants desire additional time to consult with their clients, to review the current charges, to conduct investigation and research related to the charges, to review and/or copy discovery for this matter, to discuss potential resolutions with their clients, to prepare pretrial motions, and to otherwise prepare for trial.
- d) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
- e) The government does not object to the continuance.
- f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.
- g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 16, 2023 to October 18, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

1 IT IS SO STIPULATED.

2  
3 Dated: August 8, 2023

PHILLIP A. TALBERT  
United States Attorney

4 /s/ KIMBERLY A. SANCHEZ  
5 KIMBERLY A. SANCHEZ  
Assistant United States Attorney

6  
7 Dated: August 8, 2023

/s/ KEVIN P. ROONEY  
8 KEVIN P. ROONEY  
Counsel for Defendant  
9 DALE WESLEY HUBBARD

10 Dated: August 8, 2023

/s/ BARBARA HOPE O'NEILL  
11 BARBARA HOPE O'NEILL  
Counsel for Defendant  
12 DARLENE CRYSTAL VIERA

13  
14  
15 **ORDER**

16 IT IS SO ORDERED.

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19 DATED: 8/9/2023

Sheila K. Oberto  
20 Hon. Sheila K. Oberto  
21 U.S. Magistrate Judge